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ENVIRONMENT & ENERGY REPORT

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Highlights

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ICYMI: THIS WEEK IN COURTS AND LAW

Stall Trump's Rules for Environmental Reviews, Group Tells Court

By Ellen M. Gilmer

Environmental lawyers have asked a federal court to block the Trump administration from finalizing changes to National Environmental Policy Act regulations.

Trump EPA's Adviser Policy in Legal Knot After Court Ruling (1)

By Ellen M. Gilmer

A court decision striking down the Trump administration's effort to limit who can serve on EPA advisory boards conflicts with other rulings and leaves open questions about the policy's future.

States Say EPA Chemicals Approach 'Unlawful' as Lawsuits Loom

By Pat Rizzuto

Democratic attorneys general from 10 states are signaling they may sue the EPA regarding its oversight of chemicals, a half dozen lawyers said in recent interviews.

Pipeline Regulator Tells Court Its Review Process Is Lawful

By Ellen M. Gilmer and Bobby Magill

Federal pipeline regulators are defending a practice called "Kafkaesque" by one judge, arguing they need flexibility to review appeals from landowners, environmental groups, and other project opponents.

Obama Protection of Ocean Site Must Be Nixed: Fishing Groups (1)

By Ellen M. Gilmer

Fishing groups opposed to a national monument in the Atlantic Ocean are asking federal judges to reconsider a recent ruling that upheld the Obama administration's protections for the area off the coast of New England.

Dominion Pipeline Clashes With Appalachian Trail at High Court

By Ellen M. Gilmer

The Supreme Court will decide whether federal officials overstepped when they approved the Atlantic Coast pipeline's path across the Appalachian Trail.

AT THE AGENCIES

Some EPA Enforcement Stats Stronger While Others Lag in 2019 (2)

By Ellen M. Gilmer and Stephen Lee

The EPA started and concluded fewer civil enforcement cases in 2019 than in any other year over the past decade, new statistics show. But data released Thursday show slight increases in other enforcement metrics for the past year.

EPA Closing Northern Virginia Office, Shifting Staff to D.C.

By Stephen Lee

The EPA is closing its large satellite office in the Potomac Yard neighborhood of Northern Virginia as of March 21, shifting the 1,200 employees who work there to the main agency headquarters in Washington, D.C.

Former Top EPA Adviser Gunasekara Reportedly Returning to Agency

By Stephen Lee

Mandy Gunasekara, the former high-ranking EPA official who played a key role in pulling the U.S. out of the Paris climate agreement, is reportedly heading back to the agency as chief of staff.

Trump Names Energy Secretary to National Space Council

By Ari Natter

President Trump has designated Energy Sec. Dan Brouillette as a member of the National Space Council, the Energy Dept says in a statement Friday.

Trump Administration to Promote Top Officials at Energy, EPA

By Teaganne Finn

The Trump Administration announces nomination of Mark Menezes to be deputy secretary of energy and Doug Benevento to be deputy administrator for the EPA, according to an emailed statement from the White House.

White House Resubmits Nomination for FERC General Counsel Danly

By Stephen Cunningham

White House resubmits nomination for FERC General Counsel James Danly to become a commissioner on the energy regulator, according to notice of nominations sent to Senate.

Senate Committee Advances Pending Interior Nominees

By Bobby Magill

The Senate Energy and Natural Resources Committee on Tuesday advanced two Interior Department nominees who were previously unable to be confirmed in 2019.

Former PG&E Lawyer Takes Reins of EPA's California Region (1)

By Stephen Lee and Emily C. Dooley

The EPA announced Tuesday that longtime corporate oil and gas attorney John W. Busterud has been named the chief of the agency's large West Coast region.

Justice Seeks More Money to Defend Trump Environmental Policies

By Ellen M. Gilmer

The Justice Department is asking Congress for an infusion of cash to help defend the Trump administration's environmental agenda.

EPA Bar on Grant Recipients for Agency's Boards Gets Tossed (1)

By David McAfee

The Natural Resources Defense Council prevailed on Monday in its lawsuit challenging an EPA policy that keeps agency grantees off scientific advisory boards, with a New York federal judge finding that the directive was “arbitrary and capricious” under the Administrative Procedure Act.

Trump Proposes Slashing EPA, Army Corps of Engineers Budgets (5)

By Amena H. Saiyid

The Trump administration wants to slash the budget for the EPA and the Army Corps of Engineers, even though Congress has been overruling the White House's proposals for those agencies.

AIR, WATER, AND WASTE

Industries May Avoid Strict Plantwide Caps on Emissions: EPA

By Amena H. Saiyid

Large industrial sources like power plants and factories wouldn't automatically be subject to more stringent facilitywide emissions limits when they renew their Clean Air Act permits, the EPA says in a new draft guidance.

EPA Skips Lead Pipe Hearing, But Lawmakers Await Response (3)

By Amena H. Saiyid

A leading Democrat on the House Energy and Commerce Committee said Tuesday he will wait to see how the EPA responds to comments on proposed revisions to the federal lead and copper rule before taking legislative action.

Plastic Bag Ban Success Hard to Gauge—For Billions of Reasons

By Keshia Clukey

Americans use more than 380 billion single-use plastic bags a year. Or do they?

Ohio Plans to Regulate Farm Runoff to Reduce Algal Blooms (1)

By Alex Ebert

Ohio regulators plan to tighten regulation of farm manure and fertilizer runoff that spurs Lake Erie's harmful algae blooms, reversing years of past policy when the control measures were mostly voluntary.

DuPont, GE Get Partial Win in Suit Over Hudson River Cleanup

By Maya Earls

E.I. DuPont de Nemours and Co., General Electric Co. and others won't have to face claims seeking recovery of costs incurred in the cleanup of contaminated Hudson River sediments, a federal court ruled.

New Yorkers Are Dying from Air Pollution Caused by Other States

By Leslie Kaufman

Roughly half of deaths related to poor air quality in the United States occur in states where the pollution did not originate, according to a study released Wednesday in the journal Nature.

GE Agrees to Broad Cleanup for Housatonic River

By Adrienne Appel

The Housatonic River from Massachusetts to Long Island Sound will be cleaned of legacy pollution from General Electric Co. more quickly under a \$63 million agreement reached between the company and New England towns.

CHEMICALS

Bayer Jury Awards Farmer \$15 Million for Dicamba Crop Damage (1)

By Jef Feeley

Bayer AG and rival BASF SE must pay \$15 million to a farmer who blamed the companies' dicamba herbicide for mutilating his peach orchards, a jury concluded in the first case to go to trial over the controversial weedkiller.

Bayer Works on New Herbicide as Glyphosate Stays Under Fire (1)

By Andrew Noël

Bayer AG said it's developing a new weed-killing chemical as it looks to expand beyond glyphosate, the herbicide that has saddled the German company with thousands of lawsuits.

Farmworkers Balk at EPA Move to Reduce Pesticide Spray Buffers

By Adam Allington and Fatima Hussein

Farmworker and public health advocates are pushing back on an EPA plan to reduce pesticide spray buffers around farm fields.

Creating 'Forever Chemicals': A Guide to PFAS Companies (2)

By Sylvia Carignan

The billion-dollar companies that made and used chemicals now popping up in water supplies around the country are switching to newer alternatives, but they haven't escaped liabilities for historic environmental contamination.

Guam Can't Pursue Navy for Agent Orange, DDT Left in Landfill

By Peter Hayes

Guam waited too long to file Superfund claims for the cleanup of a landfill on the island where the U.S. Navy disposed of dangerous munitions and chemicals for decades, the federal appeals court for the District of Columbia ruled.

EPA Registers New Products to Fight Spread of Deadly Fungus (2)

By Adam Allington

The EPA for the first time registered 11 products that can disinfect surfaces against drug-resistant fungal infections that federal officials are calling an "urgent" threat.

More Chemical Wastes Released, Recycled in 2018, EPA Says (2)

By Pat Rizzuto

The total amount of production-related waste that industrial and federal facilities reported to the EPA increased from 2017 to 2018, the agency said in Toxics Release Inventory data.

Chemical Makers Won't Be Forced to Set Aside Cleanup Money: EPA

By Jennifer A. Dlouhy

Chemical manufacturers won't face new federal financial responsibility requirements under an EPA proposal being released Monday after the agency concluded existing federal and state regulations are sufficient to ensure the cleanup of potential future spills.

Washington State Eyes Plant-Based Food Wrappers to Replace PFAS

By Sylvia Carignan

Washington state is considering bio-based substances like soybean oil, clay, and biodegradable polylactide in its search for alternatives to fluorinated chemicals in food wrappers and containers.

ENERGY AND NATURAL RESOURCES

Bill to Add 1.3 Million Acres of Wilderness Area Passes House

By Dean Scott

A Democratic-backed package that would set aside 1.3 million acres of public lands in California, Colorado, and Washington state as protected wilderness areas passed the House Wednesday largely along party lines.

Subpoena Power for Interior Documents Granted to House Democrat

By Bobby Magill

The House Natural Resources Committee on Wednesday gave its chairman, Rep. Raul Grijalva (D-Ariz.), the right to issue subpoenas, something Grijalva says he needs because of the Trump administration's refusal to turn over information.

House Science Panel Advances Bipartisan Battery Storage Bill (1)

By Dean Scott

A House committee advanced a bill that would direct the Energy Department to boost its research on batteries and other energy storage for utilities to better handle increased wind and solar power.

Pipeline Agency to Follow Industry Practices for Gas Storage (1)

By Sylvia Carignan

Federal safety regulators are adopting industry best practices in new mandatory requirements for natural gas storage.

Trump Proposes Selling 15 Million Barrels From U.S. Oil Reserve

By Stephen Cunningham

President Donald Trump has proposed selling 15 million barrels of oil from the U.S. emergency stockpile as part of his fiscal 2021 budget plan.

Energy, Interior Face Deep Cuts in White House Plan (5)

By Bobby Magill

The White House is proposing deep budget cuts for the Interior and Energy departments, according to the fiscal 2021 budget request.

CLIMATE

Greenhouse Gas Emissions Rose 3% in 2018, EPA Says (3)

By Stephen Lee

Greenhouse gas emissions in the U.S. rose by 2.9% in 2018 compared to 2017, according to the latest EPA inventory.

All Eyes on Exxon, Chevron After BP Pledges to Be Carbon Neutral

By Kevin Crowley

BP Plc's pledge to zero out all its carbon emissions by 2050 deepens the divide between major European and American oil producers on climate change, increasing the pressure for Exxon Mobil Corp. and Chevron Corp. to do more.

INSIGHT

INSIGHT: Capitalism Steps Up as Climate Change Threatens to Reshape Markets

Some of the world's largest corporations are taking significant steps this year in the fight against climate change. The Climate Service's Joseph Lake takes a look at the biggest players to watch this year as well as upcoming regulatory and political implications.

INSIGHT: Burning Garbage Is No Part of a Cleaner Future

A recent House proposal says burning municipal waste is a form of clean energy, but Roger Ballentine, president of Green Strategies, begs to differ. He says burning trash isn't a way to get to net zero energy and hurts the already declining recycling industry.

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